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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

-oOo-

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BOBBY THOMPSON

Defendant.

2:17-mj-00947-PAL

Stipulation to Continue the
Preliminary Hearing
(Seventh Request)

IT IS HEREBY STIPULATED AND AGREED, by and between DAYLE ELIESON, United States Attorney, and ALEXANDRA MICHAEL AND NADIA AHMED, Assistant United States Attorneys, counsel for the United States of America, and Monti Levy, Esq., counsel for Defendant BOBBY THOMPSON, that the preliminary hearing date in the above-captioned matter, currently scheduled for July 18, 2018, at 4:00 p.m., be vacated and continued for thirty (30) days, to a date and time to be set by this Honorable Court.

This stipulation is entered into for the following reasons:

1 1. Defendant Thompson has entered into a formal plea agreement with the
2 United States. The plea agreement has been signed and has been submitted to the Court
3 so that a change of plea hearing may be set.

4 2. All parties agree to the continuance.

5 3. The defendant is currently detained pending trial but do not object to a
6 continuance.

7 4. Denial of this request for continuance could result in a miscarriage of
8 justice.

9 5. The additional time requested herein is not sought for purposes of delay,
10 but to allow Defendant Thompson to enter his change of plea consistent with his signed
11 plea agreement.

12 6. The additional time requested by this stipulation, is allowed, with the
13 defendants' consent under the Federal Rules of Procedure 5.1(d).

14 7. The Court previously indicated that no further extensions would be
15 allowed. ECF No. 47. However, the parties hereby request that the Court allow one
16 additional extension for procedural purposes so that the change of plea hearing may take
17 place thereby resolving the case pre-indictment and obviating the need for a preliminary
18 hearing.

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8. This is the seventh request for a continuation of the preliminary hearing.

DATED this 17th day of July, 2018.

Respectfully submitted,

For the Defendants:

For the United States:

DAYLE ELIESON
United States Attorney

//s//
MONTI LEVY, ESQ.
Counsel for Defendant - Thompson

//s//
ALEXANDRA MICHAEL
NADIA AHMED
Assistant United States Attorneys

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
-oOo-

UNITED STATES OF AMERICA,

2:17-mj-00947-PAL

Plaintiff,

vs.

ORDER

BOBBY THOMPSON

Defendant.

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Defendant Thompson has entered into a formal plea agreement with the United States. The plea agreement has been signed and has been submitted to the Court so that a change of plea hearing may be set.
 2. All parties agree to the continuance.
 3. The defendant is currently detained pending trial but do not object to a continuance.
 4. Denial of this request for continuance could result in a miscarriage of justice.
 5. The additional time requested herein is not sought for purposes of delay, but to allow Defendant Thompson to enter his change of plea consistent with his signed plea agreement.
 6. The additional time requested by this stipulation, is allowed, with the defendants' consent under the Federal Rules of Procedure 5.1(d).
 7. The Court previously indicated that no further extensions would be allowed.
- ECF No. 47. However, the parties hereby request that the Court allow one additional

1 extension for procedural purposes so that the change of plea hearing may take place
2 thereby resolving the case pre-indictment and obviating the need for a preliminary
3 hearing.

4 8. This is the seventh request for a continuation of the preliminary hearing.

5 For all of the above-stated reasons, the ends of justice would best be served by a
6 continuance of the preliminary hearing date.

7 **CONCLUSIONS OF LAW**

8 The ends of justice served by granting said continuance outweigh the best interest
9 of the public and the defendants, since the failure to grant said continuance would be
10 likely to result in a miscarriage of justice, would deny Defendant Thompson an
11 opportunity to plea guilty to the pre-indictment plea offer, and if the case is not resolved
12 pre-indictment, it further would deny the parties sufficient time and the opportunity
13 within which to be able to effectively and thoroughly prepare for the preliminary
14 hearing, taking into account the exercise of due diligence.

15 The continuance sought herein is allowed, with the defendants' consent, pursuant
16 to Federal Rules of Procedure 5.1(d).

17 **ORDER**

18 IT IS THEREFORE ORDERED that the preliminary hearing currently
19 scheduled for July 18, 2018, at the hour of 4:00 p.m., be vacated and continued to
20 August 17, 2018 at the hour of 4:00 pm.

21 DATED this 19th day of July, 2018.

22 
23 THE HONORABLE PEGGY A. LEEN
24 UNITED STATES MAGISTRATE JUDGE